

1 AN ACT in relation to civil liabilities.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Mental Health and Developmental
5 Disabilities Confidentiality Act is amended by changing
6 Section 3 as follows:

7 (740 ILCS 110/3) (from Ch. 91 1/2, par. 803)

8 Sec. 3. (a) All records and communications shall be
9 confidential and shall not be disclosed except as provided in
10 this Act.

11 (b) A therapist is not required to but may, to the
12 extent he determines it necessary and appropriate, keep
13 personal notes regarding a recipient. Such personal notes
14 are the work product and personal property of the therapist
15 and shall not be subject to discovery in any judicial,
16 administrative or legislative proceeding or any proceeding
17 preliminary thereto.

18 (c) Psychological test material may not be disclosed
19 without a court order based on a finding that there is clear
20 and convincing evidence to believe that the psychological
21 test instrument is inherently discriminatory on the basis of
22 race, color, religion, national origin, ancestry, age, sex,
23 marital status, handicap, military status, or unfavorable
24 discharge from military service, as those terms are defined
25 in Section 1-103 of the Illinois Human Rights Act. whose
26 disclosure-would-compromise-the-objectivity--or--fairness--of
27 the--testing-process-may-not-be-disclosed-to-anyone-including
28 the-subject-of-the-test-and-is-not-subject-to--disclosure--in
29 any---administrative,--judicial--or--legislative--proceeding.
30 However, any recipient who has been the subject of the
31 psychological test shall have the right to have all records

1 relating to that test disclosed to any psychologist
2 designated by the recipient. Requests for such disclosure
3 shall be in writing and shall comply with the requirements of
4 subsection (b) of Section 5 of this Act.

5 (Source: P.A. 86-1417.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.